

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 10, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAC-25592 - APPLICANT/OWNER: KB HOME NEVADA INC**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: APPROVAL**, subject to:

1. Coordinate with the City Surveyor to determine the appropriate boundaries for this Petition of Vacation. The limits of this Petition of Vacation shall be as recommended by the City Surveyor.
2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of the Order of Vacation.
3. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
4. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
5. All development shall be in conformance with code requirements and design standards of all City Departments.
6. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a Petition to Vacate portions of right-of-way generally located on the southeast corner of Fort Apache and Severance Lane. These portions of right-of-way are behind a perimeter fence for a residential condominium development. As these portions of right-of-way are no longer needed in their current configuration; staff recommends approval of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
02/19/03	The City Council approved a General Plan Amendment (GPA-1417) amending a portion of the Centennial Hills Sector Plan from: SC-TC (Service Commercial – Town Center) to: M-TC (Medium Density Residential – Town Center). The City Council approved a Site Development Plan Review for a 129-unit multi-family development. The Planning Commission and staff recommended approval of these requests.
03/19/03	The City Council approved a Special Use Permit (SUP-1422) to allow a gated community with private streets. The Planning Commission and staff recommended approval of this request.
04/10/03	The Planning Commission approved a Tentative Map (TMP-1929) for a 129-unit multi-family residential subdivision. Staff recommended approval of this request.
08/06/03	The City Council approved a Vacation (VAC-2410) of U.S. Government Patent Reservation Easements generally located south of Severance Lane and east of Fort Apache Road. The Planning Commission and staff recommended approval of this request.
12/24/03	A Final Map (FMP-3165) was recorded for 129 lot multi-family residential subdivision.
03/31/04	An amended Final Map (FMP-3731) was recorded for a 129 lot multi-family condominium subdivision.
<b><i>Related Building Permits/Business Licenses</i></b>	
10/14/05	A building permit (39022) for the perimeter wall was finalized.
<b><i>Pre-Application Meeting</i></b>	
A Pre-Application Meeting was not held, nor is one required for this type of request.	
<b><i>Field Check</i></b>	
12/06/07	The wall was improperly built and encroaches on the right of way on the west and northwest portions of this property.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	8.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Residential Condos	TC (Town Center)	T-C (Town Center District)
North	Single Family Residential	TC (Town Center)	T-C (Town Center District)
South	Park and Nevada Power Substation	TC (Town Center)	T-C (Town Center District)
East	Middle School	TC (Town Center)	T-C (Town Center District)
West	Single Family Residential	TC (Town Center)	T-C (Town Center District)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
T-C Town Center District	X		Yes
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DESCRIPTION

A request has been received from Triton Engineering on behalf of KB Home Nevada Incorporated, to Vacate portions of right-of-way generally located on the southeast corner of Fort Apache and Severence lane, Ward 6 (Ross).

The above property is legally described as portions of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 17, Township 19 South, Range 60 East, M.D.M.

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**ANALYSIS**

***A) Planning discussion***

This Petition is for the abandonment of several portions of right-of-way generally located on the southeast corner of Fort Apache and Severence Lane. The requested portions of right-of-way are behind a perimeter fence for the Trilogy at Town Center residential subdivision. These portions of right-of-way are not needed in their current configuration; staff recommends approval of this request.

***B) Public Works discussion***

The following information is presented concerning this request to vacate certain public street right of ways:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths?  
*Non-Uniform as it is to vacate right-of-way beyond a perimeter wall within a constructed subdivision.*
- B. From a traffic-handling viewpoint will this vacation request result in a reduced traffic handling capability?  
*No as it will not change the constructed width of the adjacent public streets.*
- C. Does it appear that the vacation request involves only excess right-of-way?  
*No, it is to vacate public right-of-way within a subdivision perimeter wall.*
- D. Does this vacation request coincide with development plans of the adjacent parcels?  
*No, the adjacent property is developed as the Trilogy at Town Center residential subdivision.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *No.*

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 0

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 130

APPROVALS 0

PROTESTS 0